

THERESA CLAASSEN, Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 JEANNE C. WERNER
Deputy Attorney General
3 455 Golden Gate Avenue, Suite 6200
San Francisco, California 94102-3658
4 Telephone: (415) 464-3787

5 Attorneys for Complainant

6
7 BEFORE THE
DIVISION OF MEDICAL QUALITY
8 MEDICAL BOARD OF CALIFORNIA
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation)
11 Against:)

12 ARNOLD C. TAIT)
1000 Rossier Street)
13 Sunnyside, WA 98944)
Physician & Surgeon Certificate)
14 No. G-5191)

15 Respondent.)
16

No. D-4096

STIPULATION
AND WAIVER

17 It is hereby stipulated by and between *ARNOLD C. TAIT*,
18 M.D., (hereinafter respondent), and the *DIVISION OF MEDICAL*
19 *QUALITY* (hereinafter Division) by and through its attorney,
20 *JEANNE C. WERNER*, Deputy Attorney General, as follows:

21 1. Accusation number D-4096 is presently pending
22 before the Division. Respondent acknowledges that he has been
23 properly served with said Accusation and other relevant documents
24 including a Notice of Hearing setting this matter for May 7,
25 1990. The parties stipulate that respondent's current address of
26 record is: 1000 Rossier Street, Sunnyside, WA 98944.

1 2. Respondent understands the nature of the charges in
2 the accusation and that he has been advised of his rights to a
3 hearing on all charges and allegations in Accusation number D-
4 4096, to reconsideration, to appeal, and any and all other rights
5 which may be accorded to him under the California Administrative
6 Procedure Act and the laws of the State of California as they may
7 relate to Accusation number D-4096.

8 3. In entering this Stipulation, respondent fully and
9 voluntarily waives his right to a hearing, reconsideration,
10 appeal, and any and all other rights which may be accorded to him
11 under the California Administrative Procedure Act and the laws of
12 the State of California on the matters charged in the pending
13 Accusation.

14 4. Respondent admits that his medical licenses have
15 been disciplined as charged in paragraphs 6 through 8 of
16 Accusation number D-4096, which is attached hereto as Exhibit I
17 and incorporated herein as though fully set forth. Further,
18 respondent admits that these charges form the basis for
19 discipline of his California Physician and Surgeon's Certificate.


20 5. Based on the recitals and stipulations contained
21 herein, it is further stipulated and agreed that the Division may
22 issue a Decision as follows: Certificate number G-5191, issued
23 to respondent *Arnold C. Tait*, M.D. is revoked.

24 6. The parties hereto agree that the admissions and
25 terms and conditions set forth herein shall be null and void and
26 not binding upon them unless and until approved and adopted by
27

1 the Division. Respondent shall be entitled to a full hearing on
2 the merits in the event these admissions, terms and conditions
3 are not approved and adopted by the Division.

4
5 DATED: February 26, 1990

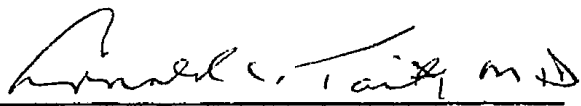
6 JOHN K. VAN DE KAMP
7 Attorney General

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9 
10 JEANNE C. WERNER
Deputy Attorney General

11 Attorneys for Complainant

12
13 I hereby certify that I have read this stipulation and
14 agreement in its entirety, that my attorney of record have fully
15 explained the legal significance and consequences thereof, that I
16 fully understand all of, and agree to, said stipulation and
17 waiver, and in witness thereof I affix my signature.

18
19 DATED: Feb. 15, 1990

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21 
22 ARNOLD C. TAIT, M.D.
Respondent

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 JEANNE C. WERNER
Deputy Attorney General
3 350 McAllister Street, Room 6000
San Francisco, California 94102
4 Telephone: (415) 557-2174

5 Attorneys for Complainant

6
7 BEFORE THE
DIVISION OF MEDICAL QUALITY
8 BOARD OF MEDICAL QUALITY ASSURANCE
STATE OF CALIFORNIA
9

10 In the Matter of the Accusation)	No. D-4096
)	
11 Against:)	<u>ACCUSATION</u>
)	
12 ARNOLD C. TAIT, M.D.)	
1614 East Edison Street)	
13 Sunnyside, Washington 98944)	
Physician and Surgeon)	
14 Certificate No. G5191)	
)	
15 Respondent.)	

16
17 Complainant, Kenneth J. Wagstaff, charges and alleges
18 as follows:

19 1. He is the Executive Director of the Board of
20 Medical Quality Assurance (hereinafter referred to as the
21 "Board") and makes these charges and files this Accusation in his
22 official capacity as such. All section references are to the
23 Business and Professions Code unless otherwise stated.

24 2. On March 10, 1959, the Board issued Physician and
25 Surgeon Certificate No. G5191 to Arnold C. Tait (hereinafter
26 referred to as "respondent"). That certificate was revoked
27 effective June 14, 1969, based upon professional discipline by

1 the State of Washington for sexual misconduct with female
2 patients. A copy of that disciplinary action is attached hereto
3 as Exhibit A, and is incorporated herein as though fully set
4 forth. The certificate was restored effective August 27, 1975,
5 and expired on August 31, 1989.

6 3. Sections 2227 and 2234 provide, in pertinent part,
7 that the Division of Medical Quality shall take disciplinary
8 action against any licensee who is guilty of unprofessional
9 conduct.

10 4. Section 2305 provides that "the revocation,
11 suspension, or other discipline by another state of a license or
12 certificate to practice medicine issued by the state . . . to a
13 licensee under this chapter shall constitute grounds for
14 disciplinary action for unprofessional conduct against such
15 licensee in this state."

16 5. Section 2427 provides that an expired license may
17 be renewed at any time within five (5) years after its expiration
18 on compliance with provisions of that section.

19 6. Respondent's certificate is subject to discipline
20 for unprofessional conduct under section 2305 in that on
21 August 24, 1988, the Washington State Medical Disciplinary Board
22 summarily suspended respondent's license to practice medicine and
23 surgery in the State of Washington. The respondent subsequently
24 stipulated to surrender his license to practice medicine in the
25 State of Washington, in lieu of revocation, and agreed to
26 permanently retire from the practice of medicine effective May,
27 1989. A copy of said Order of Suspension, as well as the

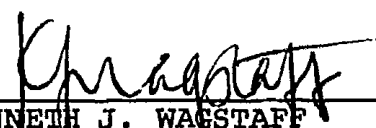
subsequent Stipulation, is attached hereto as Exhibit B, and is incorporated herein as though fully set forth.

7. The facts underlying the Washington discipline stem in part from a federal indictment, No. CR-88-255-Y, filed on August 10, 1988, against the respondent in the United States District Court, Eastern District of Washington. The indictment charged ten counts of violation of 21 USC 841(a) (distribution of a controlled substance). Said indictment was followed by an Agreement, in January, 1989, for Pretrial Diversion which included among its conditions the requirement that the Washington medical license be surrendered, as well as the permanent surrender of "any and all licenses, permits, or other evidences of authority to issue prescriptions or dispense or cause to be dispensed controlled substances. . . ."

8. The facts alleged in the Washington disciplinary charges include multiple alleged violations of 21 USC 841(a) as alleged in the indictment referred to in paragraph 6; the prescription of controlled substances in a non-therapeutic manner during the period of 1985 through April of 1988; and the incompetent or negligent treatment of a patient in that he failed to investigate properly the cause of her anemic condition, improperly treated her with medications, and failed to institute proper treatment.

1 WHEREFORE, complainant prays that a hearing be held and
2 respondent's license be suspended or revoked or such other action
3 be taken as may be deemed proper.

4 DATED: October 18, 1989

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6 
7 KENNETH J. WAGSTAFF
8 Executive Director
9 Board of Medical Quality Assurance

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Complainant

EXHIBIT A

STATE OF WASHINGTON
MEDICAL DISCIPLINARY BOARD

In the Matter of Disciplinary Action Concerning
Arnold C. Tait, M.D.
Respondent

)
) PM 523P
)
) NOTICE & ORDER OF
) SUMMARY SUSPENSION
)

THIS MATTER having come before a quorum of the Washington State Medical Disciplinary Board upon the motion for an order of summary suspension made by the state, and through its attorney, Beverly Norwood Goetz, Assistant Attorney General, the Board having been advised in the premises, makes the following:

I. FINDINGS OF FACT

The Washington State Medical Disciplinary Board finds that the public welfare imperatively requires emergency action pending further proceedings due to the nature of the allegations, which indicate violations of RCW 18.72.030(6), RCW 18.130.180(6), RCW 18.130.180(4), and RCW 18.72.030(11), as specified in Statement of Charges No. 5238.

II. CONCLUSIONS OF LAW

The license to practice medicine and surgery in the State of Washington held by Arnold C. Tait, M.D. should be summarily suspended pending further disciplinary proceedings as authorized by RCW 18.130.050(7) and RCW 34.04.130(2) of the Administrative Procedure Act.

III. ORDER

Upon the above Findings of Fact and Conclusions of Law and under the authority of RCW 18.130.050(7) and RCW 34.04.170(2), the Washington State Medical Disciplinary Board enters the following order:

IT IS HEREBY ORDERED that the license to practice medicine and surgery held by Arnold C. Tait, M.D. shall be and the same is suspended pending further disciplinary proceedings, effective immediately;

IT IS FURTHER ORDERED that upon service of this order upon respondent, respondent is to immediately surrender his license to practice medicine and surgery to the individual serving this order;

IT IS FURTHER ORDERED that the Washington State Medical Disciplinary Board is prepared to meet on September 10, 1988 at 1:00 p.m. at the Dept. of Licensing Office, the Wright Building, 464 12th Avenue, Suite 300, Seattle, Washington for the purposes of providing respondent a prompt hearing in the matter of the order summarily suspending his license. Respondent must complete in writing the Request for Prompt Hearing and Answer to Statement of Charges and said Request and Answer must be received at the Office of the Executive Secretary no later than 5:00 p.m. on September 2, 1988. If said request and answer is not received at the specified time respondent shall be deemed to have waived his opportunity for a prompt hearing and the Medical Disciplinary Board shall not meet on September 10, 1988. Should the respondent waive the September 10, 1988 meeting, the summary suspension of his license to practice as a physician and surgeon shall remain in effect pending final disposition relating to the Statement of Charges. The written Request for Prompt Hearing and Answer to Statement of Charges should be addressed as follows:

Linda Crerar, Executive Secretary
Washington State Medical Disciplinary Board
P.O. Box 9012
Olympia, Washington 98504-8001

IT IS FURTHER ORDERED that Olivia Guebara, Assistant Executive Secretary for the Medical Disciplinary Board, hereby is delegated the authority to sign this order summarily suspending respondent's license to practice as a physician and surgeon in the State of Washington.

DATED this 24 day of August, 1988.

WASHINGTON STATE MEDICAL
DISCIPLINARY BOARD

By: Olivia J. Guebara.

Presented by:

Beverly T. Traub, 102
Assistant Attorney General

EXHIBIT B

STATE OF WASHINGTON
MEDICAL DISCIPLINARY BOARD

In the Matter of Disciplinary)	
Action Concerning)	NO. PM 5238
)	
ARNOLD C. TAIT, M.D.)	
)	STATEMENT OF CHARGES
)	
Respondent)	

1 MICHAEL J. MURPHY, Secretary of the Washington State Medical
2 Disciplinary Board, and acting in that capacity, states and
3 alleges as follows:

4 I.

5 The respondent has been issued a license to practice
6 medicine by the State of Washington.

7 II.

8 On August 10, 1988, an indictment, No. CR-88-255-Y, was
9 filed against the respondent in the United States District Court,
10 Eastern District of Washington. The indictment charged ten
11 counts of violation of Title 21, United States Code, Section
12 841(a). A copy of Indictment CR-88-255-Y is attached and is
13 incorporated by reference.

14 III.

15 Investigators for the Washington State Board of Pharmacy
16 obtained records of prescriptions for controlled substances
17 given by respondent during the period of 1985 through April of
18 1988. The prescription log indicates that respondent prescribed
19 controlled substances in a nontherapeutic manner.

20 IV.

21 Respondent was incompetent and/or negligent in his care and
22 treatment of the patient referred to in the attached Confidential
23 Schedule in that he failed to investigate properly the cause of
24 her anemic condition, improperly treated the patient with
25 medications, and failed to institute proper treatment.

V.

The conduct specified in Paragraphs II, III, and IV above constitutes grounds for disciplinary action pursuant to RCW 18.130.180(6) and/or RCW 18.72.030(6), which statutes define unprofessional conduct to include the possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, or the violation of any drug law.

VI.

The conduct specified in paragraph IV above constitutes grounds for disciplinary action pursuant to RCW 18.130.180(4) which defines unprofessional conduct to include incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed; and pursuant to RCW 18.72.030(11) which defines unprofessional conduct to include incompetency or negligence in the practice of medicine and surgery resulting in serious harm to the patient.

WHEREFORE, Michael J. Murphy, alleges that the conduct referred to in this statement of charges affects the public health, safety and welfare, that a notice be issued and served as provided by law to the respondent giving him the opportunity to defend against the accusations of this statement of charges, and provided that if he shall fail to defend against these accusations, that he shall be subject to such discipline as is appropriate under RCW 18.72.230 and RCW 18.130.160.

In determining what sanctions to impose, the Board may receive evidence of and consider the following: prior disciplinary complaints, actions and/or orders in this or any jurisdiction, prior criminal cases in which respondent was named as a defendant, information developed and/or actions relating to peer review activities, and any malpractice actions brought against respondent.

DATED this 24 day of August, 1988.

Michael J. Murphy
Secretary, Washington State
Medical Disciplinary Board

By: Oliver J. Gubara
~~Linda Crerar~~
Asst. Executive Secretary

1
2
3 STATE OF WASHINGTON

4 MEDICAL DISCIPLINARY BOARD

5 In the Matter of Disciplinary)
6 Action Concerning) PM 5238
7 ARNOLD C. TAIT, M.D.,) STIPULATION AND LICENSE
8 Respondent.) SURRENDER AGREEMENT

9 I. STIPULATION

10 Arnold C. Tait, M.D., acknowledges and stipulates as
11 follows:

12 1. A statement of charges has been issued against Dr.
13 Tait in PM 5238.

14 2. Criminal charges have been filed against Dr. Tait in
15 the United States District Court for the Eastern District of
16 Washington.

17 3. The federal criminal charges were resolved pursuant to
18 the terms of a diversion agreement, a copy of which is attached
19 as Exhibit A hereto.

20 4. The charges brought by the Medical Disciplinary Board
21 may be resolved as follows:

22 a. Dr. Tait shall retire from the practice of medicine
23 and shall surrender his license to practice medicine in the
24 State of Washington, in lieu of revocation. Said retirement and
25 surrender shall be permanent and effective immediately upon
26 acceptance of this stipulation by the Board.

STIPULATION AND LICENSE
SURRENDER AGREEMENT - 1

OFFICE OF THE ATTORNEY GENERAL
1200 Dexter Horton Building
Seattle, WA 98104-1748
Telephone: (206) 464-7740

1 b. Dr. Tait shall comply with the terms of the
2 above-mentioned diversion agreement.

3 c. Dr. Tait agrees to notify the Board if he plans to
4 resume practice in any other jurisdiction; and the Board may
5 release any information relating to the current charges to the
6 proper licensing authorities in the jurisdiction in which he
7 plans to practice.

8 5. This stipulation and any order by the Board based
9 hereon are subject to the reporting requirements of RCW
10 18.130.110.

11 I have read the above stipulation in its entirety and fully
12 understand its provisions.

13
14 DATED: 7/30/89

Arnold C. Tait
ARNOLD C. TAIT, M.D.

15
16 DATED: April 25, 1989

Chelsea C. Korte
CHELSEA C. KORTE
Attorney for Dr. Tait

17
18
19 II. BOARD ACTION

20 The Board hereby accepts the stipulation of Arnold C. Tait,
21 M.D., above, and orders:

22 1. Dr. Tait shall immediately and permanently retire from
23 the practice of medicine.

24 2. Dr. Tait shall immediately and permanently surrender
25 his license to practice medicine in the State of Washington, in
26 lieu of revocation.

1 3. Dr. Tait shall comply with the terms of the attached
2 diversion agreement.

3 4. Dr. Tait shall notify the Board if he plans to resume
4 practice in any other jurisdiction. If this occurs, the Board
5 may release any information relating to this case to the proper
6 licensing authorities in the jurisdiction in which he plans to
7 practice.

8 5. This agreement is subject to the reporting
9 requirements of RCW 18.130.110.

10
11 *R. Milton Schayes - M.D.*
12 R. MILTON SCHAYES, M.D.
Chairman

13 Date: 5/1/84

14 Presented by:

15
16 *Lesley A. Allan*
17 LESLEY A. ALLAN
Assistant Attorney General

18 Approved:

19
20 *Arnold C. Tait M.D.*
21 ARNOLD C. TAIT, M.D.

22 *Chelsea C. Korte*
23 CHELSEA C. KORTE
24 Attorney for Dr. Tait

25 lmv/223
26

STIPULATION AND LICENSE
SURRENDER AGREEMENT - 3

OFFICE OF THE ATTORNEY GENERAL
1200 Dexter Horton Building
Seattle, WA 98104-4748
Telephone: (206) 464-7740

APR - 5 1989
OFFICE OF ATTORNEY GENERAL
SEATTLE OFFICE
Time / Int'l:
AAG / Div'n:
RECEIVED
JAN 23 1989
OFFICE OF ATTORNEY GENERAL
SEATTLE OFFICE
Time / Int'l:
AAG / Div'n:

FILED IN THE
U.S. District Court
EASTERN DISTRICT OF WASHINGTON
JAN 5 1989
JAMES R. LARSEN, Clerk
Deputy

UNITED STATES OF AMERICA

v.

No: CR-88-255-Y

ARNOLD M. TAIT

AGREEMENT FOR PRETRIAL DIVERSION

It appearing that you are reported to have committed offenses against the United States between on or about March 31, 1988 and May 2, 1988 Distribution Of A Controlled Substance in Violation, Title 21, United States Code, Section 841(a), and upon your accepting responsibility for this act, and it further appearing, after an investigation of the offense, and your background, that the interest the United States and your own interest and the interest of justice will be served by the following procedure; therefore,

On the authority of the Attorney General of the United States, by John E. Lamp, United States Attorney for the Eastern District of Washington, prosecution in this District for this offense shall be deferred for a period of twelve months from the date of filing of this Agreement, provided that you abide by the following condition and the requirements of the program set out below.

Should you violate the conditions of this supervision, the United States Attorney may revoke or modify any conditions of this Pretrial Diversion program or change the period of supervision which shall in no case exceed twelve months. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this supervision and will furnish you with notice specifying the conditions of your program which you have violated.

If, upon completion of your period of supervision, a Pretrial Diversion report is received to the effect that you have complied with all the rules, regulations, and conditions above-mentioned, no prosecution for the offenses set out on Page 1 of this Agreement will be instituted in this District, and any Indictment or Information will be discharged.

ATTEST A True Copy
JAMES R. LARSEN, Clerk
United States District Court
Eastern District of Washington
By *Barbara A. Sp.*
Deputy Clerk.

Neither this Agreement nor any other document filed with United States Attorney as a result of your participation in the Pretrial Diversion Program will be used against you, except for impeachment purposes, in connection with any prosecution for the above-described offenses.

CONDITIONS OF PRETRIAL DIVERSION

1. You shall not violate any law (federal, state and local). You shall immediately contact your Pretrial Diversion supervisor if arrested and/or questioned by any law enforcement officer.
2. You shall report to your program supervisor as directed and keep him informed of your whereabouts.
3. You shall strive to achieve the desired goals of the program.
4. The Divertee, ARNOLD M. TAIT, shall forthwith permanently surrender his license to practice medicine in the State of Washington to the Medical Disiplinary Board of the State Department of Licensing.

The Divertee shall also permanently surrender to the issuer thereof any and all licenses, permits or other evidences of authority to issue prescriptions or dispense or cause to be dispensed controlled substances, and shall not hereafter engage in the practice of medicine in the State of Washington.

I assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an Indictment, Information or Complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an Information, or in bringing a defendant to trial. I hereby request that the United States Attorney for the Eastern District of Washington defer any prosecution of me for violation of Title 21, United States Code, Section 841(a) Distribution Of A Controlled Substance, for a period of twelve months, and to induce him to defer such prosecution I agree and consent that any delay from the date of this Agreement to the date of the initiation of the prosecution as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a

speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of twelve months, which is the period of this Agreement.

I hereby state that the above has been read and explained to me. I understand the conditions of my Pretrial Diversion and agree that I will comply with them.

James C. Tait
Name of Divertee

1/6/89
Date

[Signature]
Defense Attorney

Jan 6, 1989
Date

JOHN E. LAMP
United States Attorney
[Signature]
ROBERT S. LINNELL
Assistant United States Attorney

January 6, 1989
Date

[Signature]
U.S. Probation Officer

1-6-89
Date

APPROVED WITHOUT PASSING JUDGMENT ON THE MERITS OR WISDOM OF THIS DIVERSION:

[Signature]
UNITED STATES DISTRICT JUDGE

1/4/89
Date

I certify that this is a true copy of a record on file in the Department of Licensing of the State of Washington.

9th day of June 1989
Virginia Buchanan
Signature, Authorized Representative